

HOUSE BILL 385

R2, R5

0lr1469

By: **Delegates Ali, Bobo, Cane, Holmes, Serafini, and Shewell**

Introduced and read first time: January 28, 2010

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Smartphone Safety Act**

3 FOR the purpose of prohibiting a person from using a wireless communication device
4 to engage in certain activities while operating a subway vehicle, light rail
5 vehicle, or motor vehicle that is in motion; authorizing a person to use a
6 wireless communication device to engage in certain activities while operating a
7 subway vehicle, light rail vehicle, or a motor vehicle that is in motion; repealing
8 certain provisions of law relating to text messaging devices; defining certain
9 terms; and generally relating to the use of a wireless communication device
10 while operating a subway vehicle, light rail vehicle, or motor vehicle.

11 BY adding to

12 Article – Transportation
13 Section 7–708
14 Annotated Code of Maryland
15 (2008 Replacement Volume and 2009 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Transportation
18 Section 21–1124(a)(3)
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2009 Supplement)

21 BY repealing and reenacting, with amendments,

22 Article – Transportation
23 Section 21–1124.1
24 Annotated Code of Maryland
25 (2009 Replacement Volume and 2009 Supplement)

26 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
27 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Transportation**7-708.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “9-1-1 SYSTEM” HAS THE MEANING STATED IN § 1-301 OF THE PUBLIC SAFETY ARTICLE.

(3) “WIRELESS COMMUNICATION DEVICE” HAS THE MEANING STATED IN § 21-1124 OF THIS ARTICLE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PERSON, WHILE OPERATING A SUBWAY OR LIGHT RAIL VEHICLE THAT IS IN MOTION, MAY NOT USE A WIRELESS COMMUNICATION DEVICE TO:

(1) TYPE, SEND, OR READ AN ELECTRONIC MESSAGE, INCLUDING A TEXT MESSAGE;

(2) SEARCH FOR OR READ CONTENT ON THE INTERNET;

(3) ACCESS OR UPDATE SOCIAL NETWORKING WEBSITES;

(4) TAKE PHOTOGRAPHS;

(5) PLAY VIDEO GAMES;

(6) DOWNLOAD ANY CONTENT;

(7) VIEW ANY VIDEO CONTENT; OR

(8) ENGAGE IN ANY OTHER USE OF A WIRELESS COMMUNICATION DEVICE NOT EXPLICITLY AUTHORIZED IN SUBSECTION (C) OF THIS SECTION.

(C) THIS SECTION DOES NOT PROHIBIT A PERSON, WHILE OPERATING A SUBWAY OR LIGHT RAIL VEHICLE THAT IS IN MOTION, FROM USING A WIRELESS COMMUNICATION DEVICE TO:

(1) SELECT A TELEPHONE NUMBER FROM A LIST;

(2) TALK ON THE TELEPHONE;

1 **(3) SELECT DOWNLOADED CONTENT FROM A LIST;**

2 **(4) LISTEN TO DOWNLOADED CONTENT;**

3 **(5) USE A GLOBAL POSITIONING SYSTEM; OR**

4 **(6) CONTACT A 9-1-1 SYSTEM.**

5 21-1124.

6 (a) **(3) “Wireless communication device” means:**

7 (i) A handheld or hands-free device used to access a wireless
8 telephone service; or

9 (ii) A text messaging device.

10 21-1124.1.

11 (a) **(1) In this section the following words have the meanings indicated.**

12 (2) “9-1-1 system” has the meaning stated in § 1-301 of the Public
13 Safety Article.

14 **[(3) “Text messaging device” means a hand held device used to send a**
15 **text message or an electronic message via a short message service, wireless telephone**
16 **service, or electronic communication network.**

17 (b) Subject to subsection (c) of this section, a person may not use a text
18 messaging device to write or send a text message while operating a motor vehicle in
19 motion or in the travel portion of the roadway.

20 (c) This section does not apply to the use of:

21 (1) A global positioning system; or

22 (2) A text messaging device to contact a 9-1-1 system.]

23 **(3) “WIRELESS COMMUNICATION DEVICE” HAS THE MEANING**
24 **STATED IN § 21-1124 OF THIS SUBTITLE.**

25 **(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**
26 **PERSON, WHILE OPERATING A MOTOR VEHICLE THAT IS IN MOTION, MAY NOT**
27 **USE A WIRELESS COMMUNICATION DEVICE TO:**

1 **(1) TYPE, SEND, OR READ AN ELECTRONIC MESSAGE, INCLUDING**
2 **A TEXT MESSAGE;**

3 **(2) SEARCH FOR OR READ CONTENT ON THE INTERNET;**

4 **(3) ACCESS OR UPDATE SOCIAL NETWORKING WEBSITES;**

5 **(4) TAKE PHOTOGRAPHS;**

6 **(5) PLAY VIDEO GAMES;**

7 **(6) DOWNLOAD ANY CONTENT;**

8 **(7) VIEW ANY VIDEO CONTENT; OR**

9 **(8) ENGAGE IN ANY OTHER USE OF A WIRELESS COMMUNICATION**
10 **DEVICE NOT EXPLICITLY AUTHORIZED IN SUBSECTION (C) OF THIS SECTION.**

11 **(C) THIS SECTION DOES NOT PROHIBIT A PERSON, WHILE OPERATING A**
12 **MOTOR VEHICLE THAT IS IN MOTION, FROM USING A WIRELESS**
13 **COMMUNICATION DEVICE TO:**

14 **(1) SELECT A TELEPHONE NUMBER FROM A LIST;**

15 **(2) TALK ON THE TELEPHONE;**

16 **(3) SELECT DOWNLOADED CONTENT FROM A LIST;**

17 **(4) LISTEN TO DOWNLOADED CONTENT;**

18 **(5) USE A GLOBAL POSITIONING SYSTEM; OR**

19 **(6) CONTACT A 9-1-1 SYSTEM.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2010.